

lymphocytes in an animal using immunization with the defined peptide. Therefore, none of that art can be viewed as anticipating the presently claimed invention.

Enabling support for amended claim 1 can be found at pages 101-111 in the specification where it is explicitly shown that immunization of mice with the defined peptide results in the generation of cytotoxic T lymphocytes that specifically target malignant cells that express a Her-2/Neu protein.

SUMMARY

In light of the amendment to the claim and for the reasons set forth above, Applicant respectfully submits that the claim is now in a condition of allowance. An early notification to that effect is hereby earnestly solicited.

Respectfully submitted,

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Date

Thomas E. Northrup

Thomas E. Northrup, Reg. No. 33,268

THE SCRIPPS RESEARCH INSTITUTE
Office of Patent Counsel
10550 North Torrey Pines Road
Mail Drop TPC-8
La Jolla, CA 92037
(858) 784-2937

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APPENDIX

VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

A marked-up version of amended claim 1 is provided as follows:

1. (twice amended) A [polypeptide capable of] method of specifically activating cytotoxic T lymphocytes *in vivo*, wherein said cytotoxic T lymphocytes (CTLs) specifically target malignant cells that express a Her-2/Neu protein, the method comprising the step of immunizing an animal with [wherein] the polypeptide [has the amino acid residue sequence] of SEQ ID NO:12.